

FROM :

FAX NO. : 7196336225

Mar. 03 2009 09:37PM P3

Appl. No. 10/684,312

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of :

SCHNEIDER, D. G.

Serial No.: 10/684,312

Art Unit: 3749

Filed: October 10, 2003

Examiner: S. Gravini

Atty Docket: DGS001

Confirmation No: 3321

For: COLLAPSIBLE HEATING APPARATUS

INTERVIEW SUMMARY UNDER 37 CFR 1.133(b)

Assistant Commissioner for Patents
Alexandria, Virginia 22313-1450

Sir:

Applicant submits the following responsive Interview Summary as required to make of written record before the Office the substance of the telephonic interview that occurred on February 20, 2009.

A copy of the Applicant Initiated Interview Request Form is attached hereto. References to the 'Applicant' below are understood to mean the named Applicant or a representative duly acting on Applicant's behalf.

INTERVIEW SUMMARY BY APPLICANT

Applicant thanks Examiner Gravini for the courtesy extended in a recent telephonic interview conducted on February 20, 2009. The substance of this interview is summarized as follows:

Applicant's representative, Frank McKiel, Jr., and Examiner Stephen Gravini discussed the Christen reference (U.S. Patent 3,856,374) which was cited as the basis of the §102 rejection in the most recent Office Action. Various citations in the remarks in the Action were missing from the Christen reference. Examiner Gravini and Mr. McKiel determined that the Christen reference may have been mistakenly cited and that correction or clarification from the Office would be needed by way of a subsequent Action.

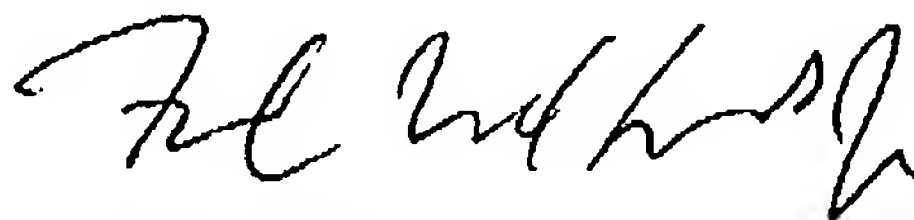
The discussion then turned to the 'written description' shortcomings alleged in the recent Office Action. As confirmed verbally during the conversation, this §112 rejection centers around the "user selection" language in the present claims. Mr. McKiel noted passages in the specification (paragraphs 0006, 0015 and 0037) believed to support the limitation and commented as to the Office's burden to demonstrate inadequacy with respect to the written description requirement. Examiner Gravini mentioned receiving recent training as to possible changes in policy or law that may affect such a determination. Mr. McKiel indicated a willingness to receive and carefully consider any helpful information that the Examiner may wish to convey on the subject.

With respect to the "user selection" language presently recited in the pending claims, Mr. McKiel also expressed a willingness to consider any alternative language suggested by Examiner Gravini. However, Examiner Gravini indicated that he was unprepared to offer any suggested language.

CONCLUSION

Applicant respectfully submits this Interview Summary as a true and accurate representation of what transpired during the telephonic interview. Applicant appreciates the suggestions and points raised by the Examiner, yet also urges the Examiner to reconsider the allowability of the claims in view of arguments and explanations provided during the conversation.

Respectfully submitted,



Frank McKiel, Jr.

Reg. No. 43,792

Date: MAR 03, 2009

Correspondence Address:
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PTOL-413A (01-09)

Approved for use through 02/28/2009. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Applicant Initiated Interview Request Form

Application No.: 10/684,312First Named Applicant: SCHNEIDER, D.G.Examiner: S. GRAVINIArt Unit: 3743Status of Application: PENDING

Tentative Participants:

(1) EXR. GRAVINI(2) FRANK MCKIEL, JR

(3) _____

(4) _____

Proposed Date of Interview: 2/20/09Proposed Time: 2:00 EASTERN AM/PM

Type of Interview Requested:

(1) ☒ Telephonic(2) ☐ Personal(3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated:

☐ YES☒ NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>REJ. 112, 1st+2nd</u>	<u>17</u>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) <u>REJ. 102(b)</u>	<u>17-27</u>	<u>CHRISTEN 3,856,374</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Continuation Sheet Attached

Brief Description of Argument to be Presented:

1) PRESENT CLAIMS AMPLY SUPPORTED / DESCRIBED BY WHOLE SPECIFICATION AS FILED2) CHRISTEN DOES NOT MEET ALL LIMITATIONS PRESENTLY CLAIMED ANDDOES NOT CONTAIN REF. NUMERALS, PASSAGES OR ATTRIBUTES CITED BY EXR.

An interview was conducted on the above-identified application on _____

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Applicant/Applicant's Representative Signature

FRANK MCKIEL, JR.

Typed/Printed Name of Applicant or Representative

43.792 (719) 482-8464

Registration Number, if applicable

Examiner/SPE Signature

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.